

REISSUE DECLARATION

We, Franklin C. Bradshaw of 8621 E. Cheryl Drive, Scottsdale, AZ 85258, a citizen of the United States, and Thomas L. Soderman of 14539 Old Guslander Trail, Marine on St. Crois, MN 55407, a citizen of the United States, hereby declare that we are joint inventors of the subject matter of U.S. Patent No. 5,584,962 (the '962 patent) entitled LAMINATING AND ADHESIVE TRANSFER APPARATUS, which issued December 17, 1996, from U.S. Patent Appln. No. 247,003, filed May 20, 1994 (the '003 application).

We believe that the '962 patent is partially inoperative by virtue of claiming both more and less than we had the right to claim and by reason of the drawings and specification being defective in ways which can be validly corrected.

When we initially developed the subject matter of the '962 patent, we believed that there were two important aspects. First, we believed that the removability of the feed rolls was important because it allowed a user to interchange the apparatus with feed rolls of varying stock materials. For example, a user could removably mount feed rolls containing stock material for laminating to the apparatus, perform laminating operations, and thereafter remove the rolls and replace them with rolls for adhesive transfer operations. None of the claims in the '962 patent, however, recite such feed roll removability. All that independent claims 1 and 10 state with respect to the mounting of the feed rolls was that they are "supported for rotation in said respective first and second mounting means[,]” with no mention of removability. Because we believe such removability to be an important feature, we now seek to narrow the claims of the '962 patent to an apparatus with removable feed rolls. Specifically, the present reissue application amends both independent claims 1 and 10 to recite:

said feed rolls being removably mounted to said feed roll mounting structures to allow for rotational unwinding of said feed material

* * *

wherein the removable mounting of said feed rolls allows an operator to remove said feed rolls from the frame and thereafter removably mount replacement feed rolls to said frame.

Second, we also believed that the pre-tensioning of the feed rolls was important to the subject matter of the '962 patent to ensure proper application tension of the feed material. The claims of the '962 patent, however, are limited to the specific structural arrangement of components. Specifically, issued claim 1 recites:

pre-tensioning means associated with each of said cores for selectively establishing a predetermined resistance to rotation of the rolls of material to provide the proper application tension for unwinding the feed material wherein said pre-tensioning means includes a tensioning cap affixed to said cores, said caps having an end plate engaging the end of the associated core and said plate with securement means engageable in said mounting means and further including biasing means for applying a predetermined force biasing said end plate into engagement with the end of said core.

Claim 10 recites substantially the same limitations with the exception that the pre-tension means is "integrally associated" with each of the cores. Although the claimed structural arrangement of the pre-tensioning means is advantageous because a manufacturer can adjust the pre-tensioning by simply turning a screw, we did not intend ourselves to be limited to that claimed arrangement. Thus, we believe claims 1 and 10 (and hence all their respective independent claims) are overly narrow and thus we claimed less than we had a right to claim.

To correct this mistake, the present reissue application amends claims 1 and 10 to remove the limitations associated with the specific structural arrangement of the pre-tensioning means.

Claims 1, as presented by this reissue application, now recites:

said feed rolls comprising pre-tensioning structure associated with each of said cores, said pre-tensioning structure being constructed and arranged such that, when said feed rolls are removably mounted to said frame, said pre-tensioning structure cooperates with said frame so as to establish a predetermined resistance to rotation of the feed rolls to provide proper application tension to the feed material during the unwinding thereof.

Claim 10 now contains substantially the same limitations as claim 1, with the exception that the pre-tensioning structure "cooperates with said upper and lower frame members" rather than the frame.

We also believe that the claims of the '962 patent may be overly narrow because a number of the claims contain recitations phrased in the "means or step for performing a specified function" format permitted by 35 U.S.C. sec. 112, par. 6. As we understand it, claim language phrased in this manner is interpreted as being limited to the structures disclosed in the application for performing that step or function and their equivalents. We do not intend our claims to be limited to such an interpretation. To correct this error, every claim reciting 'means plus function' language has been amended to recite positive structure. For the sake of brevity, reference can be made to the attached reissue application to see each instance where such amendments are being made.

Additionally, at the time we developed the subject matter of the '962 patent, we considered both the apparatus and the feed rolls to be commercially valuable independently from one another. Specifically, we believed that the feed rolls and apparatus could be sold separately from one another and that there would be a secondary market of apparatus owners desiring replacement feed rolls. The claims of the '962 patent, however, are directed to the combination of the apparatus and the feed rolls. To correct this mistake, we are presenting new claims 21 to 27 and 28 to 35 which respectively recite the apparatus and the feed rolls independently from one another.

Claim 21 recites:

A laminating and adhesive transfer apparatus to be used in conjunction with a pair of feed roll assemblies, each of said feed roll assemblies having a core carrying a supply of stock material to be unwound and comprising pre-tensioning structure engaged with said core, said apparatus comprising:

a frame providing feed roll mounting structures, said mounting structures being constructed and arranged to removably mount the feed roll assemblies to said frame;

a pair of nip rollers rotatably mounted to said frame;

said feed roll mounting structures being constructed and arranged such that the stock material can be unrolled from each of the feed roll assemblies and fed between said nip rollers along with a master when the feed roll assemblies are removably mounted to said frame;

an actuator constructed and arranged to affect nip roller rotation such that said nip rollers cooperate to perform a laminating or adhesive transfer process on the master and the stock materials fed therebetween and thereafter discharge the processed master and stock materials outwardly therefrom;

each of said feed roll mounting structures being constructed and arranged to engage the feed roll assembly removably mounted thereto such that the pre-tensioning structure of the feed roll assembly cooperates with said frame to apply frictional resistance to the core, thereby tensioning the stock material being unwound from the roll assembly;

said feed roll mounting structures being constructed and arranged such that the feed roll assemblies can be removed from said apparatus to thereby allow replacement feed roll assemblies to be removably mounted to said frame.

Claim 28 recites:

A feed roll assembly to be used in conjunction with a laminating and adhesive transfer apparatus, the apparatus comprising a pair of nip rollers, a frame, feed roll mounting structure, and an actuator constructed and arranged to affect nip roller rotation, said assembly comprising:

a core carrying a supply of stock material to be unwound;
and
pre-tensioning structure engaged with said core;

said pre-tensioning structure being constructed and arranged to removably mount said feed roll assembly to the feed roll mounting structure of the apparatus such that said feed roll assembly can be removed from the apparatus to thereby allow a replacement feed roll assembly to be removably mounted to the frame;

said core being constructed and arranged such that, when said feed roll assembly is removably mounted to the frame, the stock material can be unwound, disposed on one opposing side of a master, and thereafter be fed between the nip rollers along with stock material disposed on the other opposing side of the nip roller, thereby enabling a user to operate the apparatus actuator and affect

the nip roller rotation such that the nip rollers cooperate to perform a laminating or adhesive transfer process to the master and stock materials and subsequently discharge the processed master and stock materials outwardly therefrom;

said pre-tensioning structure being constructed and arranged such that, when said feed roll assembly is removably mounted to the feed roll mounting structure of the frame, said pre-tensioning structure cooperates with the frame to apply frictional resistance to the core, thereby tensioning the stock material being unwound from the core.

We also believe that dependent claims 14 and 15 of the '962 patent may be invalid for ambiguity. Specifically, claim 14 recites a pre-tensioning means and claim 15 recites an end plate. The pre-tensioning means and the end plate are both recited in issued independent claim 10 and hence it may be unclear whether the recited elements of dependent claims 14 and 15 are in addition to the elements of claim 10 or further defining the elements of claim 10. The present reissue application cancels claims 14 and 15, thus obviating this confusion.

With respect to the specification and drawings, reference numeral 130 is used in the Figures and specification to denote the feed tray of the apparatus and the label areas of the master. To clarify this error, a Letter to the Chief Draftsman changing 130 (denoting the feed tray) in Figs. 1 and 5 to 131 accompanies the present reissue application. Also, column 4, line 1 of the specification is being amended to recite "feed tray 131" rather than "feed tray 130."

We hereby declare that all errors sought to be corrected in the present reissue application arose without any deceptive intent on our parts.

We have reviewed and understand the contents of the attached specification, including the claims as amended by any amendments specifically referred to in this declaration and we believe ourselves to be the original and first inventors of the subject matter which is claimed and for which a patent is sought. We also acknowledge our duty to disclose to the U.S. Patent Office all information known to be material to patentability as defined in § 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint Pillsbury Madison & Sutro LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

Paul N. Kokulis	16773	David W. Brinkman	20817	G. Paul Edgell	24238	Richard H. Zaitlen
Raymond F. Lippitt	17519	Donald J. Bird	25323	Lynn E. Eccleston	35861	Roger R. Wise
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George M. Sirilla	18221	Michelle N. Lester	32331	Ruth N. Morduch	31044	

We hereby acknowledge that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. § 1001) and may jeopardize the validity of the present application or any patent issuing thereon. All statements made of our own knowledge are true and all statements made on information and belief are believed to be true.


Franklin C. Bradshaw

Date

Thomas L. Soderman

Date

The undersigned hereby assents to the attached reissue application on behalf of Imperial Bank, the assignee of interest in the above mentioned '962 patent.

Signed: 

Date: 12/13/98

Name: KEVIN C. HALLOREN

Title: SENIOR VICE PRESIDENT

REISSUE DECLARATION

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a frame providing feed roll mounting structures, said mounting structures being constructed and arranged to removably mount the feed roll assemblies to said frame;

a pair of nip rollers rotatably mounted to said frame;

said feed roll mounting structures being constructed and arranged such that the stock material can be unrolled from each of the feed roll assemblies and fed between said nip rollers along with a master when the feed roll assemblies are removably mounted to said frame;

an actuator constructed and arranged to affect nip roller rotation such that said nip rollers cooperate to perform a laminating or adhesive transfer process on the master and the stock materials fed therebetween and thereafter discharge the processed master and stock materials outwardly therefrom;

each of said feed roll mounting structures being constructed and arranged to engage the feed roll assembly removably mounted thereto such that the pre-tensioning structure of the feed roll assembly cooperates with said frame to apply frictional resistance to the core, thereby tensioning the stock material being unwound from the roll assembly;

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Claim 28 recites:

A feed roll assembly to be used in conjunction with a laminating and adhesive transfer apparatus, the apparatus comprising a pair of nip rollers, a frame, feed roll mounting structure, and an actuator constructed and arranged to affect nip roller rotation, said assembly comprising:

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pre-tensioning structure engaged with said core;

said pre-tensioning structure being constructed and arranged to removably mount said feed roll assembly to the feed roll mounting structure of the apparatus such that said feed roll assembly can be removed from the apparatus to thereby allow a replacement feed roll assembly to be removably mounted to the frame;

said core being constructed and arranged such that, when said feed roll assembly is removably mounted to the frame, the stock material can be unwound, disposed on one opposing side of a master, and thereafter be fed between the nip rollers along with stock material disposed on the other opposing side of the nip roller, thereby enabling a user to operate the apparatus actuator and affect

the nip roller rotation such that the nip rollers cooperate to perform a laminating or adhesive transfer process to the master and stock materials and subsequently discharge the processed master and stock materials outwardly therefrom;

said pre-tensioning structure being constructed and arranged such that, when said feed roll assembly is removably mounted to the feed roll mounting structure of the frame, said pre-tensioning structure cooperates with the frame to apply frictional resistance to the core, thereby tensioning the stock material being unwound from the core.

We also believe that dependent claims 14 and 15 of the '962 patent may be invalid for ambiguity. Specifically, claim 14 recites a pre-tensioning means and claim 15 recites an end plate. The pre-tensioning means and the end plate are both recited in issued independent claim 10 and hence it may be unclear whether the recited elements of dependent claims 14 and 15 are in addition to the elements of claim 10 or further defining the elements of claim 10. The present reissue application cancels claims 14 and 15, thus obviating this confusion.

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We hereby declare that all errors sought to be corrected in the present reissue application arose without any deceptive intent on our parts.


We have reviewed and understand the contents of the attached specification, including the claims as amended by any amendments specifically referred to in this declaration and we believe ourselves to be the original and first inventors of the subject matter which is claimed and for which a patent is sought. We also acknowledge our duty to disclose to the U.S. Patent Office all information known to be material to patentability as defined in § 1.56.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

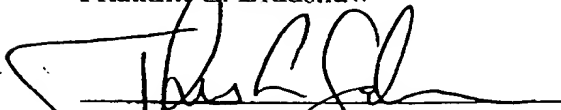
And I hereby appoint Pillsbury Madison & Sutro LLP, Intellectual Property Group, 1100 New York Avenue, N.W., Ninth Floor, East Tower, Washington, D.C. 20005-3918, telephone number (202) 861-3000 (to whom all communications are to be directed), and the below-named persons (of the same address) individually and collectively my attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith and with the resulting patent, and I hereby authorize them to delete names/numbers below of persons no longer with their firm and to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/ organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct the above Firm and/or a below attorney in writing to the contrary.

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Franklin C. Bradshaw

12/14/98
Date


Thomas L. Soderman

12/14/98
Date

The undersigned hereby assents to the attached reissue application on behalf of Imperial Bank, the assignee of interest in the above mentioned '962 patent.

Signed: _____

Date: _____

Name: _____

Title: _____